

AN ORDINANCE
BY: COUNCILMEMBER CARLA SMITH



08-0-1133

08-O-
Z-08-

**AN ORDINANCE TO REVOKE THE SPECIAL USE PERMIT
AUTHORIZED BY U-94-36 / 94-O-1564 FOR A
COMMUNITY SERVICE FACILITY LOCATED AT 503
BOULEVARD FOR FAILURE OF THE OPERATOR TO
OBSERVE THE CONDITIONS ATTACHED TO THE
PERMIT; AND FOR OTHER PURPOSES.**

WHEREAS, a special use permit for the operation of a community service facility located at 503 Boulevard was granted by the Council pursuant to U-94-36 / 94-O-1564 (copy attached as Exhibit "A") and approved per Section 2-403 of the Charter; and

WHEREAS, a condition of the special use permit was that "if the applicant AIDS Education/Services for Minorities, ceases to operated the facility, the Special Use Permit herein granted shall expire;" and

WHEREAS, an application made to the City of Atlanta Office of Grants Management indicated that operations have ceased at the facility since March of 2006 (copy of June 7, 2007 letter attached as Exhibit "B"); and

WHEREAS, this failure to meet the condition of continuous operation has caused the special use permit to expire based on the condition of said permit; and

WHEREAS, it is necessary for the City Council to take action to acknowledge that the failure of the conditions of operation is good and sufficient cause to revoke the special use permit granted pursuant to U-94-36 / 94-O-1564; and

WHEREAS, a public hearing before the Zoning Review Board is a part of the requirements for changing the status of this special use permit and the evidence presented on the record at that hearing will be available for the review of the City Council in making its decision;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA
GEORGIA, HEREBY ORDAINS, AS FOLLOWS:**

SECTION 1: For good cause having been shown at the hearing before the Zoning Review Board and the record of that public hearing having been available for review by this Council, the special use permit granted pursuant to U-94-36 / 94-O-1564 for the operation of a community service facility at 503 Boulevard is revoked and that ordinance is rescinded in its entirety.

SECTION 2: This ordinance shall become effective immediately upon signing by the Mayor or as otherwise provided by the operation of law.

Municipal Clerk
Atlanta, Georgia

94-0-1564

SUBSTITUTE
AN ORDINANCE
BY: ZONING COMMITTEE

U-94-36
Date Filed: 10/6/94

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, as follows:

SECTION 1. Under the provisions of Section 16-07.005(l)(k) of the Zoning Ordinance of the City of Atlanta, a Special Use Permit for a Community Service Facility is hereby approved. Said use is granted to AIDS Education/Services for Minorities and is to be located at 503 Boulevard, S.E. to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lot 44 of the 14th District, Fulton County, Georgia, being more particularly described by the attached legal description.

SECTION 2. That this amendment is approved under the provisions of Section 16-25.003 of the Zoning Ordinance of the City of Atlanta entitled, "Special Use Permit, Procedural Requirements," and the Director, Bureau of Buildings, shall issue a building permit only in compliance with applicable provisions of this part. The applicable conditional site plan and any other conditions hereby imposed are enumerated by attachment. The Special Use Permit hereby approved does not authorize the violation of any zoning district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

A true copy,

Olivia P. Woods
Municipal Clerk, CMC

ADOPTED as amended

December 05, 1994

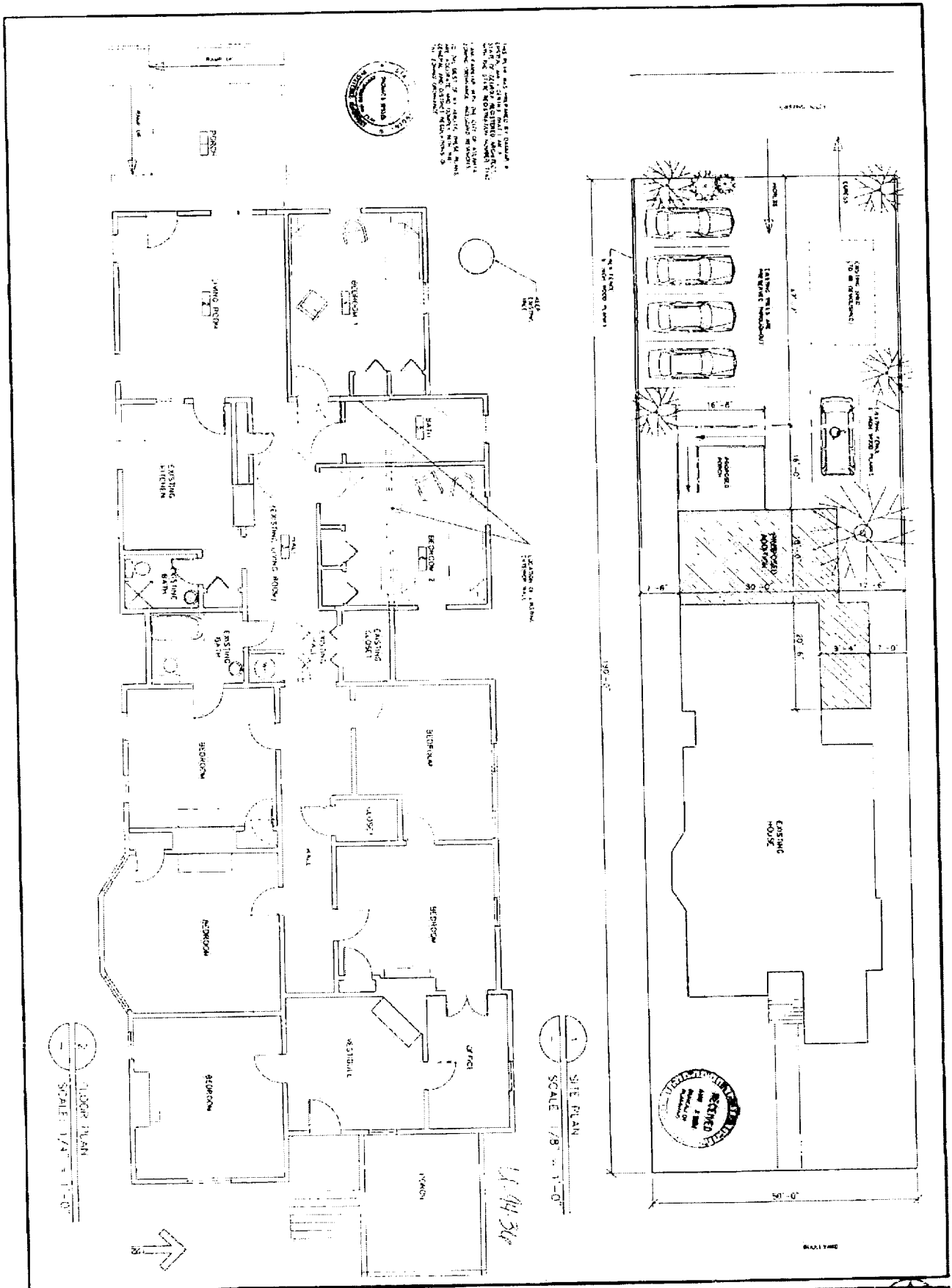
RETURNED WITHOUT SIGNATURE BY MAYOR

APPROVED as per Section 2-403 of the 1974 Charter

EXHIBIT A-1

Conditions for U-94-36

1. Site plan entitled "AESM House, AIDS Education/ Services for Minorities, 503 Boulevard Avenue (sic), Atlanta, Georgia" prepared by Community Design Center of Atlanta, Inc., dated August 1, 1994 and marked received by the Bureau of Planning August 2, 1994.
2. The client capacity of this facility shall not exceed 12 persons.
3. If the applicant, AIDS Education/Services for Minorities, ceases to operate this facility, the Special Use Permit herein granted shall expire. No transfer of ownership will be considered for this Special Use Permit.
4. The attached letter from Mr. Rudolph H. Cam, Executive Director, AIDS Education/Services for Minorities to Mr. Vern McCarty, Councilman, 14th District, dated November 30, 1994, identified as Exhibit A and marked by the Zoning Committee November 30, 1994, is hereby considered a condition of this Special Use Permit and its provisions shall be enforced as such.





AIDS EDUCATION/SERVICES for MINORITIES

P.O. Box 87277 / Atlanta, GA 30337 (404) 753-2900/4300 Fax (404) 752-9610



November 30, 1994

Mr. Vern McCarthy
Councilman, 14th District
City of Atlanta
68 Mitchell Street, S.W.
Atlanta, GA

Dear Mr. McCarthy:

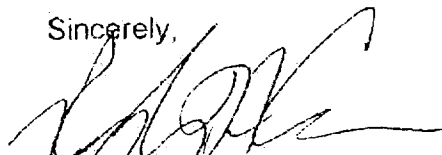
As per your request of today, November 30, 1994, I am providing you with this statement of how AESM House at 503 Boulevard is staffed.

AESM House is staffed 24 yours a day, 7 days a week. There is always a staff member or volunteer on duty to insure that residents are adhering to the Resident Policies and to provide security.

The Resume for Ms. Rollins which you requested is not being provided as I fail to see how it is relevant to any zoning matter. I oversee all operations of AIDS Education/Services for Minorities including AESM House

If you need any additional information relative to the operation of AESM House, please call me at (404) 753-2900.

Sincerely,


Rudolph H. Carn
Executive Director

cc: Fernando Costa
Kathryn M. Zickert

*11-94-36
Received
Sandy Committee
11/30/94
Jg*

Exhibit H

RCS# 3500
12/5/94
4:45 PM

ATLANTA CITY COUNCIL

First Regular Session

94-O-1564

U-94-36, 503 BOULEVARD, S.E. COMMUNITY SERVICE
FACILITY

ADOPT AS AMEND.

YEAS: 12
NAYS: 1
ABSTENTIONS: 3
NOT VOTING: 3

Y MCCARTY	NV JOHNSON	Y SAMPLES	Y PITTS	Y ALEXANDER D.
Y STARNES	Y DAVIS, M	NV MARTIN	AB BANKS	Y ALEXANDER P.
AB BOND	Y MORRIS	Y MADDOX	Y BROWN	NV ARRINGTON
Y WINSLOW	AB MULLER	N TINUBU	Y ASHER	

94-O-1564

94-0-1564

082 (Do Not Write Above This Line)

AN ORDINANCE
by: Zoning Committee

An Ordinance granting a Special Use Permit for a Nursing Home (Section 16-07.005(1)(j)) to be located at 503 Boulevard, S.E. fronting 50 feet on the west side of Boulevard beginning 50 feet south from the southwest corner of Sydney St. Depth: 190 feet Area: 9500 sq. feet Land Lot 44, 14th District, Fulton County, Georgia

Owner: Michael Burnstine
Applicant: AIDS Education/Services for Minorities

NPU-W Council District 1

ADOPTED BY

DEC - 5 1994

COUNCIL

As Amended

- ☐ **CONSENT REFER**
- ☒ **REGULAR REPORT REFER**
- ☐ **ADVERTISE & REFER**
- ☐ **1st ADOPT 2nd READ & REFER**

Date Referred 9/19/94

Referred To: 3RB & Zoning

First Reading

Committee _____
Date _____
Chair _____
Refer to _____

Committee _____
Date _____
Chair _____
Action: _____
Fav, Adv, Held (see rev. side) _____
Other: _____
Members: _____

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Other: _____
Members: _____

COUNCIL ACTION

- ☒ 2nd
- ☐ 1st & 2nd
- ☐ 3rd
- Readings
- ☐ Consent
- ☐ V Vote
- ☒ RC Vote

CERTIFIED

EM

As Amended 5 1994

CERTIFIED
DEC - 5 1994
Municipal Clerk of Council

MAYOR'S ACTION

DEC 14 1994

WITNESS MY HAND
MAYOR